

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-26 remain pending in the case. Claims 1-26 are rejected. No new matter has been added.

Claim Rejections

112, Claims 18-26

Claims 18-26 are rejected under U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner has submitted that the claims call for a computer readable medium, but nowhere in the specification is a computer readable medium described. Applicant respectfully traverses the rejection for the following rational.

MPEP §2106 Section II (C) recites the following:

Office personnel must always remember to use the perspective of one of ordinary skill in the art. Claims and disclosures are not to be evaluated in a vacuum. If elements of an invention are well known in the art, the applicant does not have to provide a disclosure that describes those elements. In such a case the elements will be construed as encompassing any and every art-recognized hardware or combination of hardware and software technique for implementing the defined requisite functionalities.

Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997).

Emphasis added. Since elements of a computer usable medium are well known in the art, Applicant does not have to provide a disclosure that describes these elements. Additionally, in light of Applicants' supporting disclosure, on page 19, a block diagram of exemplary computer system 12 is described. In particular, computer system 12 includes at least a volatile (e.g., random access) memory 2

and a non-volatile (e.g., read only) memory 3 which are at least two examples of "computer readable medium," as claimed.

A reasonable interpretation would lend itself to interpreting "a read only memory" and "random access memory" as being "computer readable medium", as claimed in Claims 18-26.

Therefore, Applicants respectfully assert that Claims 18-26 comply with the written description requirement and respectfully request that the rejection be removed.

35 U.S.C. §102(b)

Claims 1-26 are rejected under 35 U.S.C. §102(b) as being anticipated by Sowa et al. (2002/0154776), hereinafter referred to as the "Sowa" reference. Applicant has reviewed the cited reference and respectfully submits that the embodiments of the present invention as recited in Claims 1-26 are not anticipated by Sowa for at least the following rationale.

Applicant respectfully directs the Examiner to independent Claim 1 that recites an embodiment of the present invention directed to (emphasis added):

A method for establishing secure group-based communication comprising:
distributing a first set of keys to a plurality of hosts for encrypting communication and for source authentication of group-based communication between said plurality of hosts; and
distributing a second set of keys to said plurality of hosts for dynamically modifying said first set of keys.

Independent Claim 10 and 18 recites similar features. Claims 2-9 that depend from independent Claim 1, Claims 11-17 that depend from Claim 10 and Claims 19-26 that depend from Claim 18 also include these features.

MPEP §2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).
... "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d

1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicant respectfully submits that Sowa fails to teach or suggest “distributing a first set of keys to a plurality of hosts for encrypting communication and for source authentication of group-based communication between said plurality of hosts,” as claimed. The Examiner has cited paragraph [0044] as teaching this feature. However, in contrast to the Examiner’s interpretation of this passage, Applicant submits that Sowa teaches “the CCK has no relation to a particular talkgroup (TG).”

Applicant submits that the CCK of Sowa is not intended to be used to “authenticate group-based communication,” as claimed, since the CCK of Sowa “has no relation to a particular talkgroup (TG).” As such, Applicants do not understand Sowa as teaching this claimed feature of the present invention.

Furthermore, Applicant submits that Sowa fails to teach or suggest the feature of “distributing a second set of keys to said plurality of hosts for dynamically modifying said first set of keys,” as claimed. With the claimed invention, the second set of keys is distributed to the hosts for dynamically modifying the first set of keys that are used for authentication of group-based communication. With the present invention, the group that receives the first set of keys also receives the second set of keys to dynamically modify the first set of keys. This is not true of Sowa.

The Examiner has relied on paragraph [0045] as teaching this feature and the Applicant respectfully disagrees that Sowa teaches or suggests this feature. In paragraph [0045], Sowa teaches “a GCK is defined for each talkgroup in the system.” Applicant submits that the GCK of Sowa does not dynamically modify the CCK (e.g., first set of keys) because the CCK has “no relation to a particular talkgroup” while the GCK is “defined for a particular talkgroup.”

Furthermore, in paragraph [0045] Sowa states “the GCK is only indirectly used for the encryption of traffic information.” Sowa fails to teach or suggest “dynamically modifying said first set of keys” with the second set of keys, as claimed.

Applicant submits that Sowa fails to teach each element of Independent Claim 1. Independent Claim 10 and 18 recites similar features. As such, Applicant respectfully asserts that Claims 1-26 are not anticipated by Sowa and respectfully requests the rejection to Claims 1-26 be removed.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-26 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

Respectfully submitted,

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